

## **REMARKS:**

### In the Specification:

Applicant submits that these changes in references to the figures do not introduce new matter.

Applicant has resubmitted the Brief Description of the Drawings as an amendment to the specification as requested by the Examiner.

The specification, page 6, is amended as requested by the Examiner to expressly refer to Fig. 3 at the appropriate point. Applicant points out that the reference numbers in that paragraph did refer to items in Fig. 3.

The reference to "the microprocessor" on page 7, line 9 refers to the microprocessor in the audio beacon. This is evident from the continuing description where the microprocessor "generate[s] audio output" by reference to the "incoming data packet..." Therefore, "microprocessor" does not refer to the computer (100) because in the prior sentence, the computer (100) "can send digital data to the beacon to be played back." If "microprocessor" referred to the computer (100), then the entire explanation in that sentence would not make sense.

### In the Claims:

Pursuant to the Examiner's suggestion in section 11 of the Detailed Action that these claims would be allowable if the rejected base claim limitations are included, Applicant has incorporated the claim limitations of Claim 12 into Claim 1. If Claim 12 is allowable, which depended on the rejected Claim 1, then logically the combination of Claim 12 and Claim 1 can now stand as the newly amended independent Claim 1 from which the other claims can depend. In addition, the applicant has claimed more generally the "user interface" as disclosed on page 4, line 20 and page 6, line 19, rather than limiting the actuation to a "button." The disclosure on page 4, line 23-25 clearly discloses a range of actuation means as part of the handheld device. In addition, given that the Examiner has suggested that Claim 15 and 16, as previously presented are allowable, and because these claims cover actuation by voice, then broadening this specific claim element in the newly amended Claim 1 should also be allowable.

Applicant has amended Claims 20, 21 and 29 pursuant to Examiner's objections.

Claim 24 is a multiple dependent claim, but seeing as Claim 1, as currently amended, should be allowable, all of these combinations are within the limitations that the Examiner has previously suggested are allowable over the prior art.

Applicant has amended Claims 26 and 28 to refer to the first receiving step pursuant to Examiner's objections.

Applicant has also incorporated the claim elements of Claim 19, now cancelled, into Claims 20, 26 and 28. In addition, Applicant has taken Examiner's suggestion of language to distinguish

Osaka. As for Friedman, that patent does not disclose that the handheld device can be a cellular telephone or wireless data network equipped handheld computer that communicates with the system using its telephonic or data network. Instead, Friedman is directed toward using pulse trains of ultrasound, which are essential to his system because he measures the sound to determine distance or movement between his handheld and his destination device. '907 [2, 16-20]. In other words, the handheld device Friedman envisions is specific to his system and not a generally available device like a cellular telephone or wireless data equipped palm computer. One could not replace Friedman's handheld device with a cellular telephone or wireless palm computer unless one added Friedman's ultrasonic functionality-- which is clearly not a trivial matter.

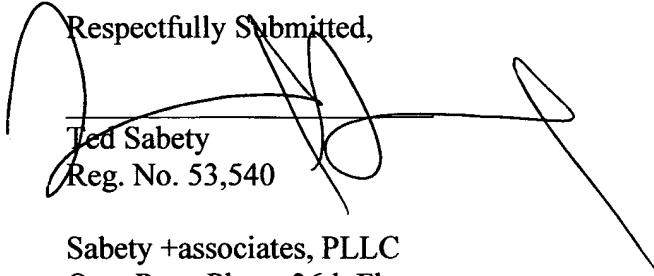
With regard to Toal, he does not disclose the use of a cellular telephone or handheld computer with wireless data network capability as the handheld actuator of his system or method. In addition, his system does not rely on a computer at all. In fact, his disclosure relies on pulse codes and counters, not a computer. '671 [4, 15-25] and [7, 3-65]. Toal invented a set of discrete logic components, that while digital, are not a computer, as in Claim 1. For this reason, Toal's invention cannot be used to provide a selection of destination beacons as in Claims 20 and 26. Even if one argues that twiddling the DIP switches provides the same effect, it is unreasonable: with Toal's invention, someone would have to physically change the DIP switch at the destination beacon when the user requested a different beacon. Toal does not disclose a remotely programmable beacon system.

Applicant has added Claim 31 to avoid the antecedence problem that Examiner correctly pointed out with Claim 21/19.

Applicant has added Claim 32 to claim material which is disclosed on page 4, line 27 of the specification.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Ted Sabety, Applicant's Attorney at 212 481 8686 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

  
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12/8/05  
Date

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